

First Reading: _____
Second Reading: _____

2016-062
Global Southern Realty Holdings, LLC
District No. 6

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
LIFT CONDITION NO. 4 FROM ORDINANCE NO. 12867 FOR
PREVIOUS CASE NO. 2014-094, ON PROPERTY LOCATED
AT 7408 BONNY OAKS DRIVE, BEING MORE
PARTICULARLY DESCRIBED HEREIN.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning
Ordinance, so as to lift Condition No. 4 from Ordinance No. 12867 for previous Case No. 2014-
094, on property located at 7408 Bonny Oaks Drive, being more particularly described herein.

Lot 2, Silverdale Road Subdivision, Plat Book 100, Page 167,
being described as Tracts 1 and 2 in Deed Book 10402, Page 568,
ROHC, Tax Map No. 139G-D-002.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two
(2) weeks from and after its passage.

Passed on second and final reading: _____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

/mem

2016-062 City of Chattanooga
April 11, 2016

RESOLUTION

WHEREAS, Global Southern Realty Holdings, LLC petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga Lifting Condition #4 from Ordinance #12867 for Previous Case #2014-094, property located at 7408 Bonny Oaks Drive.

Lot 2, Silverdale Road Subdivision, Plat Book 100, Page 167, being described as Tracts 1 and 2 in Deed Book 10402, Page 568, ROHC. 139G-D-002 as shown on that attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on April 11, 2016,

AND WHEREAS, the Planning Commission heard and considered all statements regarding the petition,

AND WHEREAS, no one was present in opposition to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on April 11, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,



John Bridger
Secretary

LIFT/AMEND CONDITIONS APPLICATION FORM

CASE NUMBER:	2016-062	Date Submitted: 2-29-2016
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
1 Applicant Request		
Conditions	Description: Lift Condition # 4	
	Resolution/Ordinance Number: Ordinance # 12867	
	Previous Case Number: 2014-094	
2 Property Information		
Property Address:	7408 Bonny Oaks Drive	
Property Tax Map Number(s):	139G-D-002	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Rezoning of adjoining R-1 property to C-2	
4 Site Characteristics		
Current Zoning:	C-2 & R-1	
Current Use:	Restaurant	
Adjacent Uses:	Parking Lot	
5 Applicant Information		
All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.		
Name: Global Southern Realty Holdings LLC	Address: P.O. Box 370	
Check one:	<input checked="" type="checkbox"/> I am the property owner <input type="checkbox"/> I am not the property owner	
City: Silver Creek	State: Ga	Zip Code: 30173
Phone 1: 770-547-0200	Phone 2:	Phone 3:
		Fax:
6 Property Owner Information (if not applicant)		
Name: Same	Phone:	
Address:		
Office Use Only:		
Planning District: 10	Neighborhood: CNAC, BEBC, FOEB	
Hamilton Co. Comm. District: 7	Chatt. Council District: 6	Other Municipality:
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:
Checklist		
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Ownership Verification	<input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions
<input checked="" type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: 1.02	<input checked="" type="checkbox"/> Deeds <input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 10402-568		
Plat Book/Page: 100-167	<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: 150.00	<input checked="" type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check
		Check Number: 11080
Planning Commission meeting date: 4-11-2016		Application processed by: Marcia Parker

PLANNING COMMISSION CASE REPORT

Case Number: 2016-062

PC Meeting Date: 04-11-16

Applicant Request

Request to Lift Condition

Property Location:	7408 Bonny Oaks Drive
Property Owner:	Global Southern Realty Holdings LLC
Applicant:	Global Southern Realty Holdings LLC

Project Description

- Proposal: To lift Condition number 4 adopted in Ordinance #12867 which reads, *"Provide a type "B" equivalent landscape buffer as specified in the Chattanooga Landscape Ordinance with the understanding that a portion of the buffer area will be used for stormwater detention which may impact the selection of appropriate tree species in the buffer area."*

Site Analysis

Site Description

- Location: The 0.8 acre site is located 200' southeast of the intersection of Silverdale Road and Bonny Oaks Drive.
- Current Access: Bonny Oaks Drive
- Current Development form: The parcel is a Wendy's Restaurant. The lot abutting to the south and west is a large surface parking lot which serves the three-story Silverdale Baptist Church. To the south and east is the Speedway gas.
- Current Land Uses: The parcel is currently a commercial use. To the north and west are religious uses and their auxiliary uses. To the east are the commercial uses.

Zoning History

- The site is currently zoned C-2 Convenience Commercial Zone.
- The site was rezoned from R-1 Residential Zone to C-2 Convenience Commercial Zone. The rezoning (Ordinance #12867) came with four conditions: (1) Two curb cuts only on Bonny Oaks Drive; (2) Use for restaurants only; (3) Eight foot opaque vinyl privacy fence; and (4) Provide a type "B" equivalent landscape buffer as specified in the Chattanooga Landscape Ordinance with the understanding that a portion of the buffer area will be used for stormwater detention which may impact the selection of appropriate tree species in the buffer area.
- The properties to the southwest, west, and north are zoned R-1 Residential Zone. The property to the east is zoned C-2 Convenience Commercial Zone.

Plans/Policies/Regulations

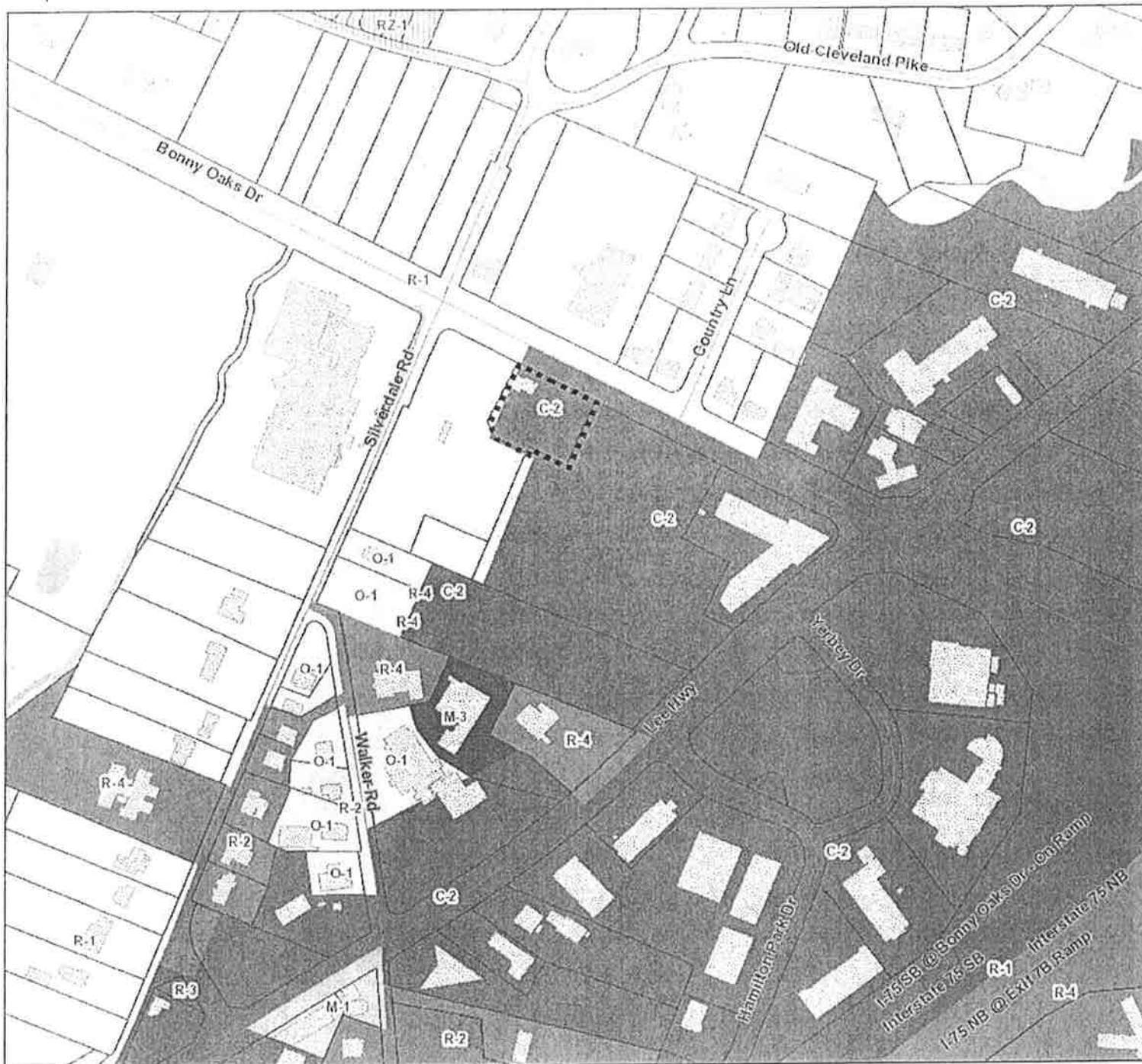
- Development in the subject area is guided by the Shallowford Road-Lee Highway Area Plan (Adopted 2004) which recommends single unit residential development for this site.

Key Findings

- The condition was intended to address buffering neighboring uses and stormwater issues.
- The current built buffer does not meet stormwater detention requirements or landscape buffer requirements as determined by Land Development Office of Chattanooga.
- Planning Case 2016-031 (Planning Commission meeting in March of 2016) requested to rezone a portion of adjacent property to alleviate the landscape buffer requirements within the C-2 Convenience Commercial Zone. This case is meant to alleviate the landscape buffer and stormwater detention requirements as conditioned in Ordinance #12867.

Staff Recommendation

Approve



2016-062 Lift Conditions

PLANNING COMMISSION RECOMMENDATION FOR
CASE NO. 2016-062: Approve



341 ft



Chattanooga Hamilton County Regional Planning Agency





2016-062 Lift Conditions

NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

2016-049 Sonja Y. Benning. 109 Workman Road, from M-1 Manufacturing Zone to R-1 Residential Zone.

2016-051 Duane Carleo and Mark Neal. 24 East 14th Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2016-052 David J. Kluttz. 5277 Wilbanks Road, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2016-053 Adamson Developers. 8062 and 8074 Old Lee Highway, from R-2 Residential Zone to R-3 Residential Zone.

2016-054 Chambliss Center for Children. 402 and 406 Gillespie Road, from R-1 Residential Zone to R-2 Residential Zone.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied:

2016-048 Sunnyside Properties, LLC. 4820 Oakland Avenue, from M-1 Manufacturing Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, recommending denial for the R-T/Z Residential Townhouse Zero Lot Line and approved for R-1 Residential Zone, subject to one single-family residential dwelling only.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that Condition No. 4 be lifted from Ordinance No. 12867 of Previous Case No. 2014-094 on property located at 7408 Bonny Oaks Drive.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendments be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) **Amending Section 38-2, Definitions**, by adding definitions for Animal day care facility; Animal, domestic; Animal, small; Animal grooming service; Animal run; and Kennel.
- (b) **Amending Section 38-184, Uses permitted as special exceptions by the board of appeals**, by deleting subsection (7) in its entirety and substituting in lieu thereof.
- (c) **Amending Section 38-204, Uses permitted as special exceptions by the board of appeals**, by deleting subsection (7) in its entirety and substituting in lieu thereof.
- (d) **Amending Section 38-302, Uses permitted as special exceptions by the board of appeals**, by deleting subsection (6) in its entirety and substituting in lieu thereof.
- (e) **Amending Section 38-568, Powers, etc., of board; hearings**, by deleting subsection (12) in its entirety and substituting in lieu thereof.
- (f) **Amending Section 38-361(3), Areas included**, by deleting in its entirety and substituting in lieu thereof.

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

May 10, 2016

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the ____ day of _____, 2016.

Nicole Gwyn
Clerk to the City Council